

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Stephan Böhm  
Royce W. JOHNSON

Serial No.: 10/594,400

Filed: September 26, 2006

For: METHOD AND APPARATUS FOR  
CONTROLLING AT LEAST ONE  
VENTILATION PARAMETER OF AN  
ARTIFICIAL VENTILATOR FOR  
VENTILATING THE LUNG OF A  
PATIENT IN ACCORDANCE WITH A  
PLURALITY OF LUNG POSITIONS

Group Art Unit: 3772

Examiner: Nihir B. Patel

Atty. Dkt. No.: ROT.709

Confirmation No.: 2154

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being  
electronically filed with the United States Patent and  
Trademark Office via EFS-Web on the date below:

September 17, 2009

Date

  
Chris W. Spence

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. A copy

of the listed document required by 37 C.F.R. § 1.98(a)(2) is enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g), (h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Supplemental Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/KCIN:061US.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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Date: September 17, 2009